

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DYLAN BEARD,

Plaintiff,

Case No. 2:22-cv-5

v.

HONORABLE PAUL L. MALONEY

CONNIE HORTON, et al.,

Defendants.

/

ORDER ADOPTING REPORT AND RECOMMENDATION

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Defendant Buchanan filed a motion for summary judgment. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on October 3, 2022, recommending that this Court grant the motion and enter judgment.¹ The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 22) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Motion for Summary Judgment (ECF No. 19) is GRANTED.

IT IS FURTHER ORDERED that Plaintiff's motion for appointment of counsel (ECF No. 23) is DENIED.

¹ On March 3, 2022, an Opinion and Order issued dismissing Defendants MDOC Healthcare and Connie Horton from this lawsuit (ECF Nos. 10 and 11).

IT IS FURTHER ORDERED that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith. See *McGore v. Wrigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

A Judgment will be entered consistent with this Order.

Dated: November 7, 2022

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge